

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TREAUNA L. TURNER,

Plaintiff,

v.

PALLARES, *et al.*,

Defendants.

Case No. 1:21-cv-01721-JLT-BAM (PC)

**ORDER GRANTING DEFENDANT
FREEMAN’S *EX PARTE* APPLICATION FOR
AN INITIAL EXTENSION OF TIME TO
RESPOND TO PLAINTIFF’S FIRST
AMENDED COMPLAINT**

(ECF No. 45)

**Defendant Freeman’s Response to First
Amended Complaint Due: June 9, 2023**

Plaintiff Treauna L. Turner (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendants Showalter and Mitchell for deliberate indifference to medical care in violation of the Eighth Amendment and against Defendants Showalter, Mitchell, and Freeman for negligence (medical malpractice).¹

Defendant Freeman was personally served on April 28, 2023. (ECF No. 44.) Defendant Freeman’s response to the first amended complaint was therefore due on or before May 19, 2023.

Currently before the Court is Defendant Freeman’s *ex parte* application for an initial extension of time to respond to Plaintiff’s first amended complaint, filed May 15, 2023. (ECF No. 45.) Plaintiff has not had the opportunity to respond to the motion, but the Court finds no

¹ Defendants Showalter and Mitchell’s March 14, 2023 motion to dismiss Plaintiff’s state law claims for failure to comply with the Government Claims Act, (ECF No. 30), is pending before the Court.

1 need for a response. The motion is deemed submitted. Local Rule 203(l).

2 In support of the motion, counsel for Defendant Freeman states that while Defendant
3 Freeman was served with the first amended complaint on April 28, 2023, the lawsuit was referred
4 to their office on May 2, 2023. (ECF No. 45, p. 2.) Since receiving the first amended complaint,
5 counsel has reviewed and analyzed the Court's docket and the first amended complaint and
6 determined that additional time will be needed to provide a meaningful response. In addition,
7 since Defendant Freeman's involvement with Plaintiff in 2014, she has changed residences and
8 left the pathology group where the biopsy specimen at issue is located. Counsel therefore
9 requests a twenty-one (21) day extension of time, up to and including June 9, 2023, to file a
10 response to the first amended complaint. (*Id.*)

11 The Court, having considered the request, finds good cause to grant the requested
12 extension of time. Fed. R. Civ. P. 6(b). The Court further finds that Plaintiff will not be
13 prejudiced by the requested extension.

14 The Court also notes that Defendant Freeman's motion was served on Plaintiff at her
15 current address of record using the CDCR number "We-519." (ECF No. 45, p. 4.) Defendant
16 Freeman is advised that to ensure proper receipt of mail at Plaintiff's institution, Plaintiff's full
17 CDCR number, WE-0519, should be used in all future correspondence.

18 Accordingly, it is HEREBY ORDERED as follows:

- 19 1. Defendant Freeman's *ex parte* application for an initial extension of time to file a response
20 to the first amended complaint, (ECF No. 45), is GRANTED; and
- 21 2. Defendant Freeman shall file and serve a response to Plaintiff's first amended complaint
22 on or before **June 9, 2023**.

23
24 IT IS SO ORDERED.

25 Dated: May 22, 2023

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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